

## United States Senate

OFFICE OF THE MAJORITY WHIP

April 18, 2005

The Honorable Harry Reid  
S-221, The Capitol  
Washington, D.C. 20510

Dear Harry:

I have reviewed your March 15, 2005 letter to Majority Leader Frist. While I certainly agree with your call to work together on the judicial nominations process, I am greatly concerned about your statement regarding shutting down Senate business and, by extension, the federal government. A government shut down would be rash and unwise, and the American people deserve better from us than such an act, which is surely inconsistent with "working together." I urge you to reconsider taking this action.

We can all agree there is much important work to be done in the Senate. While our economy is strong, gas prices are way too high; people feel these costs every time they fill up at the pump. This Senate needs to enact a long-term energy policy to reduce our dependence on foreign oil. In addition, our transportation infrastructure needs improving. Millions of Americans take the roads and rails everyday to get to work and keep this country moving. It is thus critical that the Senate pass a highway bill. We also must reform America's tax code so that it is fairer for all Americans and leads to a robust economy. We need to continue our efforts to reform Social Security so it is strong and secure for future generations.

Rather than work with us in a spirit of bipartisan cooperation, the Democratic Caucus has indicated it will continue its blockade of circuit court nominees. Democrats' continued insistence on obstructing judicial nominees threatens our Constitution's careful separation of powers among the three branches of government. Never before in the history of the country has a minority of senators filibustered—on a systematic, repeated, and partisan basis—well-qualified judicial nominees. But in the last Congress, it occurred on ten different circuit court nominations within only sixteen months.

Majority Leader Frist has repeatedly sought to afford your caucus generous time in which to debate these nominations. But he has been consistently rebuffed, including being told on one occasion that "there is not a number [of hours] in the universe that would be sufficient" to discuss a nominee. Nevertheless, Senator Frist continues his efforts to reach an accommodation. He has invited Democrats to come to the table and work with us to restore the 200-year-old norms and traditions of the Senate. Instead of shutting down the government, I urge you to work with the Majority Leader to repair our broken judicial confirmation process.

Sincerely,



Mitch McConnell